

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE ESTATE OF ROGER D.	:	Case No. C-1-01-769
OWENSBY, JR., BY AND THROUGH	:	
ROGER D. OWENSBY,	:	Judge Spiegel
	:	
Plaintiff,	:	
	:	
v.	:	<b>NOTICE OF APPEAL OF</b>
	:	<b>DEFENDANTS, STEPHEN</b>
CITY OF CINCINNATI, et al.,	:	<b>TILLEY, ROBERT HEILAND</b>
	:	<b>AND CHRIS CAMPBELL</b>
Defendants.	:	

Notice is hereby given Defendants, Stephen Tilley, Robert Heiland and Chris Campbell, hereby appeal to the United States Court of Appeals for the Sixth Circuit from certain portions of an Order entered in this action on the 19<sup>th</sup> day of May, 2004, to-wit:

1. Order denying qualified immunity to Defendants, Stephen Tilley, Robert Heiland and Chris Campbell;
2. Order granting summary judgment in favor of Plaintiff against Defendants, Stephen Tilley, Robert Heiland and Chris Campbell to the extent such judgment was rendered on the basis of denying qualified immunity to said Defendants;
3. Order denying immunity to Defendants, Stephen Tilley, Robert Heiland and Chris Campbell as to Plaintiff's state law claims on the basis §2744.01, *et seq.* of the Ohio Revised Code is unconstitutional.  
(State law final order)

/s/ Wilson G. Weisenfelder, Jr.  
Wilson G. Weisenfelder, Jr. (0030179)  
RENDIGS, FRY, KIELY & DENNIS, L.L.P.  
One West Fourth Street, Suite 900  
Cincinnati, OH 45202-3688  
(513) 381-9292  
(513) 381-9206 - Facsimile  
[wgw@rendigs.com](mailto:wgw@rendigs.com)  
Trial Attorney for Defendants, Village of Golf  
Manor, Stephen Tilley, Robert Heiland and John  
Doe #7 n/k/a Chris Campbell

**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2004, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

James B. Helmer, Jr., Esq.  
Paul B. Martins, Esq.  
Frederick M. Morgan, Jr., Esq.  
HELMER, MARTINS & MORGAN  
Fourth & Walnut Centre, Suite 1900  
105 E. 4<sup>th</sup> Street  
Cincinnati, OH 45202-4008

John J. Helbling, Esq.  
3672 Springdale Road  
Cincinnati, OH 45251

Mark T. Tillar, Esq.  
240 Clark Road  
Cincinnati, OH 45215

Donald E. Hardin, Esq.  
HARDIN, LEFTON, LAZARUS & MARKS  
915 Cincinnati Club Building  
30 Garfield Place  
Cincinnati, OH 45202-4322

Geri H. Geiler, Esq.  
Julie Bissinger, Esq.  
Assistant City Solicitors  
Room 214 City Hall  
801 Plum Street  
Cincinnati, OH 45202

Neil F. Freund, Esq.  
FREUND, FREEZE & ARNOLD  
One Dayton Centre, Suite 1800  
1 South Main Street  
Dayton, OH 45402-2017.

Ravert J. Clark, Esq.  
114 E. 8<sup>th</sup> St., Suite 400  
Cincinnati, OH 45202

/s/ Wilson G. Weisenfelder, Jr.  
Wilson G. Weisenfelder, Jr.